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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,259	10/12/2001	Tsutomu Kurokawa	M1953-41	9702

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EXAMINER

BORISOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,259

Applicant(s)

KUROKAWA ET AL.

Examiner

Igor Borissov

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M W

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 14-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,973,481) in view of Budike, Jr. (US 6,311,105).

Thompson et al. teach a method and system for distributed electrical power generating stations, comprising:

As per claims 1-3, 6, 8-9, 14-15 and 18-19,

at least one generator unit, operated by an electricity provider, supplying electricity to at least one specific electricity consumer in a remote area (column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

a management center, monitoring an operation status of said at least one generator unit and monitoring an amount of electricity supplied to said at least one specific electricity consumer by said at least one generator unit (column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

a system for communicating information between said management center and said electricity provider (column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

said management center uses wireless communication equipment to collect information from said at least one generator unit regarding operation status of said at least one generator unit and regarding an amount of electricity supplied to said at least

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one specific electricity consumer (column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29).

Thompson et al. do not specifically teach that said electricity provider uses the Internet for billing and payment of said electricity supply service fee for said at least one specific electricity consumer.

Budike, Jr. teach a multi-utility energy control system and method, including back-up generators, wherein a controlled wireless network is provided, including the Internet, for purchasing electricity in a real time environment (column 7, lines 24-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson et al. to include that said electricity provider uses the wireless network, including the Internet, for billing and payment of said electricity supply, because in said remote areas the wireless communication is the most convenient and reliable way to communicate over different geographical areas.

As per claims 4, 7, 10-11 and 16, Thompson et al. teach said method and system, further comprising:

a maintenance personnel maintaining and managing operation of said at least one generator unit, wherein said maintenance personnel receives instructions from said management center (column 3, lines 21-25).

Claims 5, 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. and Budike, Jr. in view of Fleckner et al. (US 6,589,682).

As per claims 5, 12-13 and 17, Thompson et al. and Budike, Jr. teach all the limitations of claims 5, 12-13 and 17, including that said at least one generator unit is powered by alternative fuels (Budike, Jr., column 7, lines 38-40), except that said at least one generator unit is fuel cell generator, and said service company includes a fuel supply company, and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator.

Fleckner et al. teach a method and system for fuel cells arrangement, including a monitoring instrumentation 22 (Fig. 1) mounted adjacent to fuel cells for providing information to monitoring system 24 which conveys the data related to the functional status of the fuel cells, fuel level, etc., over a wireless communication network, including the Internet, to the interested party (column 5, lines 10-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson et al. and Budike, Jr. to include that said maintenance/management company performing maintenance on said fuel cell electricity generating device and responding to irregularities in said fuel cell electricity generating device, because, in order to maintain a fuel cell generator, disposed in a remote area, in a proper working order, one must maintain functional status of the fuel cells including a fuel level.

Response to Arguments

Applicant's arguments filed on 12/18/03 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, both Thompson et al. and Budike, Jr. teach energy control and distribution method and system, wherein energy is distributed over extended geographical area. Thompson et al. disclose use of a wireless electronic telecommunications links for collecting information regarding an amount of electricity supplied to energy consumers (column 2, lines 27-42). Budike, Jr. was applied to show the use of Internet as communication means for collecting said information regarding an amount of electricity supplied (column 7, lines 24-59). Obviously, that the use of the

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Internet would be the most convenient way to communicate over extended geographical areas.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

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(703) 305-7687 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**